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Security Council

Fiftieth Year

Provisional

3537th Meeting

Wednesday, 17 May 1995, 5.35 p.m.

New York

President:	Mr. Mérimée	(France)
Members:	Argentina	Mr. Cárdenas
	Botswana	Mr. Legwaila
	China	Mr. Wang Xuexian
	Czech Republic	Mr. Kovanda
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wisnumurti
	Italy	Mr. Fulci
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mrs. Albright

Agenda

The situation in Croatia

95-85483 (E)

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The meeting was called to order at 5.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Croatia

The President (*interpretation from French*): I should like to inform the Council that I have received a letter from the representative of Croatia in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nobilo (Croatia), took a place at the Council table.

The President (*interpretation from French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

The members of the Council have before them document S/1995/363, which contains the text of a draft resolution submitted by France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to draw the attention of the members of the Council to the following amendments to the text of the draft resolution published in its provisional form as document S/1995/395: in the fourth line of the second preambular paragraph, the correct date is "7 May 1995" and not "8 May 1995"; furthermore, operative paragraph 3 should read as follows:

> "3. Stresses the need for the early reestablishment of the authority of UNCRO in accordance with its mandate;"

I would also point out that the original languages of the draft resolution were English, French and Russian.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/363, letter dated 8 May 1995 from the Permanent Representative of Croatia to the United Nations addressed to the President of the Security Council, and S/1995/383, letter dated 10 May 1995 from the chargé d'affaires *ad interim* of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council.

The members of the Council have received photocopies of a letter dated 17 May 1995 from the Permanent Representative of Croatia to the United Nations addressed to the President of the Security Council, which will be issued as document S/1995/397.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/1995/395) before it, as orally revised in its provisional form. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: (*interpretation from French*): There were 15 votes in favour. The draft resolution, as orally revised in its provisional form, has been adopted unanimously as resolution 994 (1995).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Fulci (Italy): Italy welcomes the adoption of today's resolution on Croatia, which it joined in sponsoring and in the drafting of which it participated. In our opinion, the Security Council had the duty to take this initiative to deal with a situation that we continue to consider unsatisfactory and dangerous. While we can understand the frustration of the Croatian Government and people over the lack of progress in the political process of peaceful reintegration of the sectors that were known as United Nations Protected Areas, we cannot justify a military offensive that is in clear violation of the Cease-Fire Agreement of 29 March 1994 and that

seriously risks hindering implementation of the Economic Agreement of 2 December last.

Nor can we justify the fact that the Council's requests contained in the presidential statements of 1 May 1995 (S/PRST/1995/23) and 4 May 1995 (S/PRST/1995/26) have not yet been fully met.

Furthermore, we are extremely concerned over the attitude adopted by the parties, in particular the Croatian forces, towards the forces of the United Nations Confidence Restoration Operation in Croatia (UNCRO) stationed in the zones of separation. These are unacceptable incidents of harassment and intimidation that must be condemned with the utmost firmness. We express our full solidarity with the Blue Helmets, who have found themselves in a difficult and dangerous situation. Above all, I wish to request my colleagues from Argentina and the Czech Republic to convey the feelings of understanding and solidarity of the Government and the people of Italy to their Governments and peoples.

The Croatian Government has given repeated assurances at the highest level that it would completely withdraw its forces from the zones of separation in Sectors East, North and South. While noting that the withdrawal has actually begun, especially in Sectors East and South, we must, unfortunately, point out that this precise commitment has so far not been honoured completely. According to the Secretariat's latest reports, contingents of Croatian and Serbian forces continue to face each other in the zone of separation of Sector North in particular. We consider the speedy withdrawal of those forces to be of paramount importance to ease tensions and prevent the risk of incidents that could trigger new chain reactions of violence.

As for Sector West, we believe it is essential that full respect for the rights of the Serbian population be assured in conformity with internationally recognized standards. To this end, we feel that the UNCRO presence in that territory can play a role of fundamental importance. We therefore ask the Croatian Government to the greatest possible freedom of movement and monitoring capacity for United Nations personnel.

Today's Security Council resolution can and must encourage the Croatian parties to speed up their complete and unconditional withdrawal from the zones of separation in order to allow the complete and immediate deployment of UNCRO and the full implementation of its mandate as outlined in resolutions 981 (1995) and 990 (1995).

Nevertheless, today's resolution is not merely an attempt to remedy a situation created on the ground by the recent Croatian offensive: it also sets its sights on the future. In this regard, I wish to emphasize the importance of paragraph 10, which contains a firm warning to the parties, demanding that they refrain from taking any further military initiatives that could lead to a new escalation of the conflict. If it is determined that they have not, the Council, in our opinion, should not hesitate to consider further measures to ensure compliance with this demand.

I wish to reaffirm our strong view that for the Croatian question, as for the Bosnian, there can be no military solution. Only political dialogue between the parties can lead to a satisfactory solution to the problem of Croatian territories inhabited by the Serbian community. The words "confrontation", "victory", "conquest" and "re-conquest" must be replaced by words such as "dialogue", "negotiation" and "compromise"; only thus will we see an end to this very long crisis.

A political solution, of course, must respect the principle, reaffirmed by the Security Council on several occasions, of the sovereignty and territorial integrity of the Republic of Croatia, and the principle of the need to come to agreements on suitable formulas for autonomy that allow the Serbian people full enjoyment of their rights.

Sir David Hannay (United Kingdom): Two months ago this Council adopted resolutions 981 (1995) and 982 (1995), which addressed, among other issues, the situation in Croatia. On that occasion I expressed my Government's satisfaction with the signs of progress in building confidence between the Government of Croatia and the Serb communities in Croatia. Stability had been achieved in what had been a very tense and volatile situation. The Economic Agreement was being implemented, step by step, by both parties. I also stressed the importance that we attached to the role of the new force, the United Nations Confidence Restoration Operation in Croatia (UNCRO), in securing that peace and promoting the start of talks on a political settlement. I acknowledge that progress had not been as great as the Croatian Government had a right to expect, but the prospects were encouraging.

Events since then have given my Government cause for very grave concern. Much of that earlier progress has now been placed in jeopardy by recourse to military action, and in the process the lives of United Nations

peace-keepers were put at risk. The resolution we have just adopted, of which my country was a co-sponsor, condemns in the strongest possible terms any actions, by whichever party, directed against United Nations personnel, and we demand that status of UNCRO and the safety of its personnel be respected without exception.

The United Nations, with support of my Government, is willing to help both parties resume the process of reconciliation and cooperation. We warmly commend the efforts of Mr. Akashi to prevent any further escalation. It is welcome that there has been real progress towards the withdrawal of troops from the zones of separation in the various United Nations sectors, but it is essential that this withdrawal be completed forthwith. Otherwise, there is little chance of getting the political process back on track, and only when withdrawal has been completed will UNCRO be able to redeploy so as to begin its task of implementing the mandate the Council established two months ago.

It is also essential that the United Nations and other international bodies be given full access to Western Slavonia so as to lay to rest the concerns that have been expressed about human rights. The report from the Secretary-General, expected within the next two weeks, on the implementation of this resolution will be an important one. The Security Council will need to consider at that stage how best to ensure full deployment of UNCRO in accordance with its mandate.

My Government is very conscious of the understandable frustration in Zagreb at the slow pace of progress towards a political settlement. We have made clear on numerous occasions our full support for the sovereignty and territorial integrity of Croatia and our view that this must be the basis of any political settlement. The local Serb authorities cannot evade their responsibility in this respect. But there are no short-cuts towards this goal: securing reconciliation requires commitment and patience on both sides. A negotiated settlement is the only way to achieve a lasting peace.

Mr. Kovanda (Czech Republic): The Czech Republic has been consistently concerned over developments in countries of the southern Slavs, and perhaps most of all in Croatia, for it is precisely there that a Czech mechanized battalion has been active for several years as part of the United Nations Protection Force (UNPROFOR), which is now being transformed into the United Nations Confidence Restoration Operation in Croatia (UNCRO). We have been aware of the long-standing differences between UNPROFOR and the Croatian authorities which eventually led those authorities to give notice to the United Nations peace-keeping Force. This difficult issue eventually got resolved, to what appeared to be everybody's satisfaction, with the authorization of UNCRO in resolution 981 (1995) and the provisions of its mandate in resolution 990 (1995).

One of the reasons for the intensive international effort to keep peace-keepers in Croatia was that there was indeed a peace to keep, certainly since the March 1994 cease-fire agreement. It was a difficult peace with very slow progress towards national reconciliation; nevertheless, progress there was, and the Economic Agreement of December 1994 was one of its most important manifestations. The alternative to a United Nations presence, many felt, was an all-out war.

All the more surprising, therefore, was the Croatian Government offensive against Sector West some two weeks ago, and even this apparently limited military move may have been only a part of a broader pattern, for in other sectors too Croatian Government forces penetrated the zones of separation and appeared to be digging in for the long term. This move, among others, exposed our peace-keepers to hostile fire and thus endangered them in an absolutely unacceptable fashion.

Our resolution today focuses on securing the complete withdrawal of Croatian Government forces from the zones of separation with no further procrastination whilst acknowledging the extent of the withdrawal effected to date. It further calls for strict observance of the human rights of Croatian Serbs in Western Slavonia. It also pays due attention to the Economic Agreement, and especially to safety and security along the crucial Zagreb-Belgrade highway. All these points should drive home one message: Zagreb should inextricably associate itself with the logic of peace. Military adventures might be tempting, but they will certainly not be condoned by the Council.

This resolution reacts mostly to actions of the Croatian Government and its forces. The Croatian Serb party, however, has not lagged behind in taking control of adjacent parts of the zones of separation. The resolution has not forgotten this fact, and, therefore, paragraph 2 demands a complete withdrawal of both parties and paragraph 10 demands that both parties refrain from taking further military actions. The Council will be very carefully following developments from now on.

Mrs. Albright (United States of America): This resolution appropriately focuses on the future — on the Council's expectations of the Government of Croatia and the local Serb authorities. It acknowledges that the Government of Croatia has taken important steps in the signing of a status-of-forces agreement and in withdrawing a notable portion of its troops from the zones of separation. We understand that completion of this withdrawal is at hand. The Serb forces for their part must withdraw and must not occupy positions from which Croatian Government forces have withdrawn.

We look forward to these and other actions by the parties that will enable the United Nations Confidence Restoration Operation in Croatia (UNCRO) to carry out its mandate in full and that will create the conditions for a resumption of progress towards the political resolution of this conflict that was inexcusably interrupted by recent actions of both parties.

We continue to believe that the only viable solution to the conflict in the Republic of Croatia is a negotiated settlement that will lead to the peaceful reintegration of the other three sectors into Croatia. That process will be immeasurably helped by Croatian Government actions that will show the Croatian Serbs that they have nothing to fear from reintegration.

We hope that, in the months ahead, the Croat and Serb communities in Western Slavonia will re-establish the bonds of friendship and mutual respect that existed before the conflict began.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The delegation of the Russian Federation considers the resolution just adopted an important step by the Security Council in response to the extremely dangerous and alarming situation that has obtained in Croatia for some two and a half weeks now. Like the other members of the Council, we forcefully condemn Zagreb's military action in Sector West and the incursion by Croatian forces into the zones of separation in the other sectors.

The aggressive actions by the Government forces throw down the gauntlet to the Security Council and the United Nations operation it established. It has threatened the process of restoring confidence, flagrantly violated the cease-fire agreement of 29 March 1994 and scotched the implementation of the Economic Agreement. United Nations personnel have been put in extreme danger. There have been gross violations of human rights, and the mass exodus of the Serbian population from Western Slavonia and the uncertain situation of the people who are still there forcibly remind us of the concept of "ethnic cleansing".

The statements by the President of the Security Council on 1 and 4 May were an important factor in normalizing the situation in Croatia. However, the demands set forth in those statements were simply ignored for a long time; indeed they have not yet been fully carried out. This forced us to consider the real need to adopt a Security Council resolution that would demonstrate that the Council did not intend to go along with crude violations of its decisions and that attempts to test the Council's determination in regard to its decisions had no chance of succeeding.

The process of the preparation of the draft resolution in the Contact Group and then in the Security Council had a specific influence in itself on the Government of Croatia. The withdrawal of Croatian forces from the zones of separation has begun. However, although we have heard many promises, that withdrawal has not been completed.

Our assumption is that the resolution we have just adopted will send a clear signal that the time for promises has passed and action is now needed. As we understand it, the adoption of the resolution will lead to a full restoration of the mandate of UNCRO, as already defined in previous Security Council resolutions. It will lead also to a full withdrawal of the forces of all sides from the zones of separation and will ensure the presence of United Nations personnel there. Furthermore, it will lead to the appropriate implementation of the cease-fire agreement and the Economic Agreement.

In the resolution, the Security Council

> "demands that the Government of Croatia respect fully the rights of the Serb population including their freedom of movement and allow access to this population by international humanitarian organizations, in accordance with internationally recognized standards". (*resolution 994 (1995), para. 6)*

We expect that the Secretary-General will be able to carry out effectively the request in the resolution to prepare a report on the humanitarian situation of the Serb population in Sector West.

We must admit that we would have preferred the resolution to contain a clearer assessment of the situation that has arisen as a result of the Croatian attacks. Unfortunately, the resolution does not reflect such an important problem as the failure to observe the military embargo against Croatia, which made it possible for such a dangerous situation to arise.

Recent events have further confirmed the urgent need for the Security Council, its sanction Committee, the appropriate regional structures, and all States, primarily those bordering former Yugoslavia, to take the necessary measures to ensure an unconditional implementation of the ban established by resolution 713 (1991).

The resolution the Security Council has just adopted does not in any way conclude its consideration of Croatia. The demands set forth in the presidential statements of 1 and 4 May have not yet been carried out in all their aspects. Therefore, the Council intends to keep this matter under consideration — and this includes the situation with regard to the resolution it has just adopted.

In this connection, it is very important that under operative paragraph 10 of the resolution the Council

> "Demands that the parties refrain from taking any further military measures or actions ... and warns that in the event of failure to comply with this demand it will consider further steps needed to ensure such compliance." *(resolution 994 (1995), para. 10)*

We expect that the parties addressed in that paragraph will draw the necessary conclusion.

In two weeks the Secretary-General will report to the Security Council on the implementation of this resolution, and after that we shall consider whether additional steps are needed to bring about the full normalization of the situation. This is especially timely because some of the most recent statements made by the Government of Croatia to the effect that there are other means besides political means to settle the conflict give us cause for serious concern. We think the resolution just adopted by the Council makes it obvious that, in spite of such statements, the Council clearly maintains that there is no alternative to a political settlement.

Mr. Graf zu Rantzau (Germany): Today's debate on the situation in Croatia reflects once again the sad fact that, despite sustained efforts by the international community, the search for an overall negotiated settlement of the conflicts in the former Yugoslavia has not yielded the desired results. In Croatia, a political solution for those areas of the Republic of Croatia currently under Serb control has yet to be found. Instead, tensions and conflict prevail.

My Government has consistently assured the Government of Croatia of German support in its search for a negotiated solution to the conflict. My Government, at the same time, has consistently made it clear to the Government of Croatia that we are convinced that there is no military solution to the conflict.

Chancellor Kohl reaffirmed this view to President Tudjman when President Tudjman visited Bonn two days ago: the military offensive launched by the forces of the Government of Croatia in Western Slavonia on 1 May was a clear violation of the cease-fire agreement of 29 March 1994. The Chancellor told President Tudjman that the Croatian forces in the zones of separation should be withdrawn. President Tudjman assured the Chancellor that the forces would be withdrawn by the afternoon of 16 May.

Today we acknowledge with some satisfaction that, according to reports of the United Nations, there have apparently been substantial withdrawal movements of Croatian forces in Sectors East, South and North. At the same time, we note with regret that, despite the assurances given by the Croatian side, the withdrawal has not yet been fully concluded.

We are concerned, too, by recent reports that military units of the Croatian Serbs continue to be active in the zones of separation. The demand by the Croatian Government that it must be certain that Croatian Serb forces withdraw from the zones of separation in a parallel manner and that they do not occupy the positions vacated by Croatian forces is, in our view, obviously justified. We demand that UNCRO continue to monitor the situation closely.

Continued activities of Croatian Serb forces in the zones of separation would involve the risk of further confrontation, which is not acceptable.

Let me stress again four points which, in our view, are of particular importance. First, there must be no further military measures or actions by any side that could lead to escalation. Secondly, the freedom of movement and safety and security of UNCRO must be fully respected. Thirdly, all detainees must be released as

soon as possible. Fourthly, the local Serb population must be treated with full respect for their human rights, in conformity with internationally recognized standards.

Let me repeat what we and others have said on many occasions: that to overcome the recent crisis in Croatia it is urgent that the parties turn away from the logic of confrontation and instead return to the negotiating table. This may be difficult, yet, in our view, there is no other way. We believe, and we continue to say, that the three-phase process of negotiations — cease-fire, implementation of the economic agreement and political negotiations — is the only practicable path to durable peace.

The President (*interpretation from French*): I shall now make a statement in my capacity as representative of France.

In its presidential statements of 1 and 4 May, our Council demanded in the clearest terms that an end be put to the armed incursions in the zones of separation in Croatia.

We note that, in spite of the commitments announced in this respect by the Croatian authorities, concrete withdrawal operations on the ground have been partial and delayed. The latest indications point today to a significant overall movement, which we welcome. Nonetheless, in some zones progress has yet to be confirmed.

That is why my delegation voted in favour of resolution 994 (1995), which demands that a total withdrawal be completed without further delay. This demand is also addressed to the Croatian Serb forces which are still in the zones of separation. The situation cannot truly be stabilized unless both parties respect the buffer zones.

In addition, my delegation wishes to recall the importance of full respect for human rights, which in this context constitutes an essential element in restoring confidence between the parties. We also remind the parties that they must ensure the security and freedom of movement of United Nations personnel.

Lastly, my delegation trusts that the United Nations Confidence Restoration Operation in Croatia can, as our resolution stresses it should, be deployed rapidly, and that it will fulfil the mandate conferred upon it by our Council in its resolution 981 (1995).

I now resume my functions as President of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 6.10 p.m.